

REMARKS

The corrected claim amendments presented herein respond to the Notice of Non-Compliant Amendment mailed July 16, 2010 in which the Examiner indicated that the amended claims filed by the Applicant on May 26, 2010 improperly included markings (e.g., underlining) for the new claims and that the attorney's name and firm does not appear to correspond to the attorney of record for the application.

Accordingly, in this Response, Applicant has corrected the error identified by the Examiner in the amendment filed May 26, 2010 and has further included a Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address and a Statement Under 37 C.F.R. 3.73(b). Applicant has further re-submitted the Amendments to the Specification for clarity.

Applicant notes that this is the second Notice of Non-Compliant Amendment mailed by the Examiner – the first mailed on April 26, 2010 and the second mailed on July 16, 2010 – to correct the amendment filed on March 2, 2009. As the Examiner initially requested correction to the amendment filed on March 2, 2009, Applicant has herein submitted the corrected identifiers, strikethrough, and underlining all relative to the claims filed on May 27, 2008. They are not relative to the non-compliant amendments filed on March 2, 2009 or May 26, 2010. Applicant respectfully asserts that they have properly responded to the second Notice of Non-Compliant Amendment and that the application is in condition for examination and allowance.

To further facilitate examination, Applicant has herein corrected typographical errors present in the amendment filed on March 2, 2009. In addition, Applicant has further amended the independent claims expedite allowance. Accordingly, the claims listings in this amendment shall replace the claims listings filed on March 2, 2009. Applicant respectfully asserts that the application is in conditions for allowance and respectfully requests the same.

No Fees Due

Applicant has one month to respond the Notice of Non-Compliant Amendment mailed on July 16, 2010. Since Applicant responded within the one month deadline, there is no extension of time fee due.

Further, in this amendment Applicant has not added any extra claims for which they have not already paid excess claim fees. All claim numbers are the same. The “new” status identifiers of claims 56-63 are relative to the claims filed on May 27, 2008 and are not newly relative to the claims filed on March 2, 2009 or May 26, 2010. They should not be confused as extra claims currently added in response to the second Notice of Non-Compliant Amendment.

Accordingly, there are no extension of time fees and no excess claims fees due.

Additional Amendments

Claims 1, 3, 4, 6-16, 18, 19, 21-23, and 40-63 currently stand in the application. Claims 1, 19, 48, 55, and 60, 61, 62, and 63 are in independent form. Independent claims 60, 61, 62, and 63 are device claims analogous to independent method claims 1, 19, 48, and 55, respectively.

Applicant asserts that the previously presented claims are patentable over the cited prior art references. Applicant has nevertheless herein amended the claims to further expedite the allowance of all pending claims. For example Applicant herein amends independent claim 1 to recite:

. . . with a portable . . . communication device that is plug connectable to an external port of a first computing device for wireless communication, the wireless communication device previously being distinct from the first computing device, the . . . communication device having,

an interface for plug connecting to the external port of the first computing device by a user,

. . .

a memory component that includes a private memory area that is not accessible or viewable by the user,

a protected data stored in the private memory area for executing at the first computing device,

a memory controller having means for managing communication through the interface and means for accessing the private memory area. . .

Each other independent claim (e.g., claims 19, 48, 55, 60, 61, and 62) has been at least in part amended analogous to currently amended independent claim 1. Applicant accordingly asserts that all currently amended independent claims are patentable as each recites at least an element not taught or suggested by all previous cited prior art references, either alone or in combination.

Distinction from Co-pending Application (Double Patenting)

Present Application Serial No. 10/734,484 is a co-pending application to Application Serial No. 10/734,481.

Applicant asserts that each independent claim in the present application includes an element analogous to “drawing power to the data communication device from the second (or first) computing device for powering the data communication device.” Co-pending Application Serial No. 10/734,481, as amended, does not recite “drawing power to the data communication device from the second (or first) computing device for powering the data communication device.”

In addition, each independent claim in the present application includes an element analogous to a “second computing device” in addition to a first computing device. Co-pending Application Serial No. 10/734,481, as amended, does not recite a “second computing device.” Accordingly, co-pending Application Serial No. 10/734,481, by extension could not further disclose any step or steps related to a “second computing device.”

Moreover, each independent claim in the present application includes an element analogous to “the second computing device being a distinct device from the portable communication device and the first computing device.” Co-pending Application Serial No. 10/734,481, as amended, does not recite anything related to the above element.

For at least the aforementioned distinctions, Applicant respectfully submits that a double patenting rejection of the present application over Application Serial No. 10/734,481 is not proper. Accordingly, Applicant further respectfully submits that the present application does not require terminal disclosure to overcome a double patenting rejection.

CONCLUSION

Applicant respectfully asserts that they have satisfied the Examiner's Notice of Non-Compliant Amendment and that claims 1, 3, 4, 6-16, 18, 19, 21-23, and 40-63 are in condition for allowance. The Examiner is encouraged to telephone the undersigned at (360) 750-9931 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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